

REMARKS

In this First Office Action, claims 1-19 are rejected. Based on the following, it is respectfully requested that the claims, as amended, be reconsidered and allowed over the cited art.

1. Claims Rejections - 35 U.S.C. § 103

Claims 1, 10, 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rackson in view of Bloomfield.

The applicant respectfully disagrees as to the operation of the primary reference Rackson. Rackson enables the auctioning of an item through a number of different auction services so as to obtain the highest exposure in bidding for the item (column 6, lines 4-8 and Figure 2).

One goal of the present invention is to accurately determine the end of an on-line auction at the bidder's computer due to the discrepancy between the official time for the end of the auction and the time appearing in the bidder's computer. As fully claimed in claims 1 and 19, the processor time in the bidder's computer must be obtained and compared to the official auction time to arrive at a display showing the actual processor time left for the item. The bidder never needs to mentally calculate how much time is actually left.

No where in the Rackson patent is the processor time obtained in the bidder's computer, compared to the official auction time and then determine how much time is left for an auction item based upon the processor time which is then displayed. In fact, Rackson never teaches the use of processor time. Indeed, Rackson, due to the multiplicity of different auction services, must provide synchronicity among the different auction services. In Rackson's example, the person selling the item specifies the closing date and time (column 9, line 28) and his system provides all the coordination functions without any individual auction service performing them (column 11, lines 45-47). Hence, there is no teaching whatsoever in Rackson of ever using or even needing the processor time in an individual bidder's computer. Rackson works with respect to timing by receiving a time stamp of the bid "as stored by the remote auction service" (e.g., Ebay) and then comparing the time stamp to a local table to synchronize times for each different auction service so as to determine offsets due to time zones etc. (column 13, lines 15-25). The present invention has no affect whatsoever on the

auction service (Ebay) and is only limited to providing the true time remaining to the end of the auction which is conveniently displayed to the bidder.

The Rejection only relies on Bloomfield for its disclosure and teaching of process or time in a computer. The applicant concedes that such process or time is well known and in fact fully disclosed in the statement of the problem on pages 1 and 2 of the application. Bloomfield certainly doesn't contain any other teachings other than that a computer has a processor time. It is precisely this time that causes confusion and creates the problem addressed in the application currently pending.

However, claims 1 and 19 (and their dependent claims) have been amended, not to distinguish over Rackson and Bloomfield, but to clarify that the processor time is obtained in the "bidder's" computer and that the official auction time for the on-line auction is received from the on-line auction service. This clarifies the present invention in that all the activities take place in the bidder's computer to enable the bidder to quickly and easily see the time remaining to the actual end of time.

The Examiner is requested to strictly prove where in Rackson, the following appears:

"The method and system of Rackson would also have to compare the two times
- internal/local CPU clock time of a participant's computer with the time in
France in order to calculate the time remaining in the auction - to ensure correct
time remaining for all parties, as part of the service."

There is no description, teaching or even a suggestion in Rackson of this and, furthermore, this is simply a hindsight statement based upon the teachings of the present invention. Rackson's only concern is to provide synchronicity among the different auction services that it is using to sell an item. Rackson has no teachings whatsoever of making any use of a participant's (i.e., bidder) processor time in the bidder's computer!

The applicant specifically requests the Examiner to provide evidence in the form of a citation to prior art or to Rackson or to Bloomfield for its speculative conclusions with respect to obviousness found on page 4, line 6 through page 5, line 2. These conclusionary statements are based upon hindsight as neither Rackson or Bloomfield or any of the other cited references describe, suggest, or teach the claimed features found in claims 1 and 19 and their dependent claims.

The Rejection relies on three references Rackson, Bloomfield, and Nguyen to reject claims 2-9 and 11-18.

With respect to claims 2 and 11, the Rejection states:

"Nguyen teaches a method wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon." (column 13, lines 24-28)

It is maintained that the reference does not disclose a countdown clock graphical icon. The Reference only states:

"An example of a situation which the notification class does not need to interact with an applet is the clock icon of a welcome screen. The clock icon is animated to show the correct time, but no other user notification is required of the welcome screen." (column 13, lines 23-28)

A simple clock is shown as a welcome screen. This is not the countdown clock graphical icon as clearly shown in Figure 5 nor does this Nguyen reference provide any teachings of the claimed invention found in any of the independent claims as specifically discussed above and incorporated herein by reference. Hence, claims 2-9 are not rendered obvious by the Nguyen reference nor are claims 11-18. Indeed, claim 11 has been canceled and put into claim 10. Claim 10 as currently amended and its dependent claims 12-18 are not taught in Rackson, Bloomfield, or Nguyen either individually or all references taken together. The claimed features simply do not exist in these references.

It is maintained, that all claims, as amended for clarification, are in condition for allowance and such allowance is respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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